

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MONTAMER CORP.,	:	
Plaintiff,	:	DECISION AND ORDER
-against-	:	07 Civ. 6531 (KMK)(LMS)
HARTFORD INSURANCE COMPANY,	:	
Defendant.	:	

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This matter is before me pursuant to the referral of Judge Karas dated June 30, 2008, for consideration of Plaintiff's motion to amend its Complaint. Familiarity with the history of this litigation, and the facts of the matter, are presumed. On April 23, 2008, plaintiff submitted a letter motion to amend the Complaint. That motion was opposed by defendant by letter dated May 28, 2008. Plaintiff replied by letter dated June 3, 2008. For the reasons set forth herein, the motion is granted.

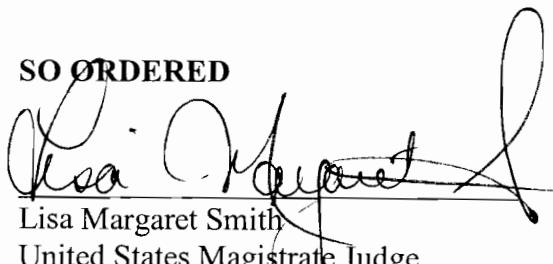
Federal Rule of Civil Procedure 15(a) provides that the court should freely grant leave to amend a pleading "when justice so requires." There is no just reason to deny plaintiff's application for leave to file an amended complaint. The proposed amended complaint adds some additional facts, but the proposed amended complaint primarily adds a measure of damages. In this case discovery is in its infancy and, to the best of my knowledge, depositions have not been completed. The parties may submit a proposed modified scheduling order in order to assure that all necessary discovery is timely completed.

Defendant claims to have been prejudiced by the delay in plaintiff's raising this issue.

However, the only specific assertion of delay is that time has passed. While this case has not moved as promptly as many in federal court, it also has moved more quickly than many in state court, where it was first filed. I cannot say, based on the record before the Court, that defendant has established that it will suffer prejudice if this amendment is permitted. Although plaintiff has not claimed that it offered to amend its complaint at the earliest possible moment, I do not find that any failure to move to amend at an earlier time has caused defendant to suffer prejudice, or has otherwise presented a reason to deny the motion to amend. For these reasons the motion to amend the Complaint is granted.

This constitutes the Decision and Order of the Court.

Dated: July 7, 2008
White Plains, New York

SO ORDERED

Lisa Margaret Smith
United States Magistrate Judge
Southern District of New York